

Waukesha County Criminal Justice Collaborating Council
Pretrial Subcommittee
Tuesday, January 26, 2010

The meeting was called to order at 11:37 a.m.

Subcommittee Members Present: Chair JoAnn Eiring, Martin Binn, Diane Kelsner, Dave Falstad, Sam Benedict, Sara Carpenter, and Brad Schimel. **Absent:** Mike Giese

Also Present: Rebecca Luczaj and Karen Phillips.

Approve Minutes of October 27, 2009.

MOTION: Falstad moved, second by Schimel, to approve the minutes of October 27, 2009. Motion carried by unanimous consent.

Review & Discuss High Pretrial Supervision Program Caseload

Eiring noted that the high-risk referrals in the Pretrial Supervision Program include a larger number of opiate drug users requiring more intensive supervision. The current caseload is 145, which is manageable; however, Eiring indicated there is a concern of how the Pretrial Supervision Program would handle a continual increase in high-risk referrals. Schimel stated that heroin cases have had a high violation rate lately, noting that there is a higher relapse rate among opiate users.

Benedict commented about the increasing number of drug related referrals. With the possibility of the program operating over capacity, perhaps a more targeted approach needs to be taken. If there are narcotics involved in any way and the DA asks for supervision, those requests are granted by the court commissioner at a very high rate. As a result, a pretrial narcotics supervision component has evolved, and it seems as though there is no treatment modality to go with it. Since this population is highly likely to reoffend, more intervention strategies are needed.

Eiring maintained that the increase in numbers is not due to inappropriate referrals to the program. Carpenter stated that much time is spent looking at different resources to help the drug offenders with their addiction issues. She stated that WCS does follow the National Association of Pretrial Services best practice standards including special supervision components. Schimel said that for opiate addicts, this type of program is minimally necessary for their survival. Lengthy discussion continued on this issue.

Benedict reaffirmed his desire for a more organized, focused approach for pretrial services. He would like to see a multi-disciplinary review of the components to determine how to measure success, judge outcomes, address goals, and establish direction and best methods. He suggested that perhaps transition to a drug treatment court would be justified.

Schimel left at 11:55 a.m.

Review & Discuss Decrease in Operating After Revocation (OAR) Program Caseload

Carpenter stated that the number of new cases is declining and there is a question as to whether or not to continue the OAR Program. Although there are 190 open cases, the new referrals average only about two per week due to the recent law change. Benedict added that from his perspective the need is hard to measure, as the Public Defender's Office only sees OAR cases that are OWI related.

Carpenter said the Center for Driver License Recovery and Employability is now under the WCS umbrella of services in the Milwaukee program. Staff from the Milwaukee program will be meeting with

WCS staff in Waukesha to talk about how their program could potentially help serve the OAR offenders coming through the system in Waukesha, because so many are Milwaukee County residents.

Kelsner pointed out that non-criminal OARs are now heard in court on Wednesday instead of Tuesday. Those OARs are municipal citations and no longer mandatory court dates.

Binn arrived at 12:00 p.m.

Binn confirmed that the OARs heard on Tuesdays are mostly OWI related. The remaining non-criminal OARs are being redistributed among the municipal courts.

Luczaj stated it might be beneficial to shift resources from the OAR Program to another area. She will bring this issue to the attention of the CJCC Executive Committee for discussion and consideration.

Update on OWI Risk Assessment Tool Development

Carpenter said she recently spoke to the researcher who is developing the OWI risk assessment tool. She anticipates that the findings will be ready for review at a statewide meeting in May. Guidelines for implementation would then be developed. Carpenter said that information from four WCS programs (Milwaukee, Sheboygan, Kenosha, and Waukesha) provided sufficient data for use in the development of this first OWI-specific risk assessment tool.

Carpenter stated that WCS is moving forward towards the validation of a pretrial jail screening risk tool. Carpenter also reported that she recently met with two State representatives to create awareness of the Intoxicated Driver Intervention Programs (also referred to as Intensive Supervision Programs) and SCRAM, and address associated funding issues. Carpenter advised that State funding reductions will likely take place in the second half of 2010.

Benedict left at 12:10 p.m.

Update on WCS Pretrial Programs: 2009 Outcomes

Eiring and Carpenter distributed copies of the 2008 and 2009 WCS Waukesha Pretrial Status Reports, 2008 and 2009 OWI Program Summary Reports, and the December 2009 and Year 2009 Screening Intake Summary Reports. Eiring reviewed highlights of the statistics as outlined.

Carpenter noted the increased usage of SCRAM in 2009 for defendants who have shown repeated patterns of non-compliance. SCRAM provides these defendants the opportunity to get back on track and prove to the court that they are willing to concede to the highest level of monitoring. The court can also order SCRAM for high-risk defendants because it provides around the clock monitoring. WCS is currently utilizing a risk tool that determines the number of times a defendant is required to report in each week. This helps save program resources and is more convenient for clients who may be required to report in less often. The compliance rate is almost 90%. Carpenter will bring additional statistics for review at a future meeting.

Binn, Eiring and Carpenter discussed policy and procedure relating to the release of certain high-risk offenders directly to WCS for enrollment into the SCRAM program.

Discuss & Approve 2010 Schedule of Pretrial Subcommittee Meetings

Luczaj distributed a tentative schedule of the Pretrial Subcommittee meeting dates in 2010. All meetings begin at 11:30 a.m.:

- Tuesday, April 27 – Room 179

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- Tuesday, July 27 – Room 179
- Tuesday, October 26 – Room 179

Binn advised he might be late due to conflicts with video conferencing scheduling.

Discuss Agenda Items for Next Meeting

- Updates on OWI funding, OWI risk assessment tool, pretrial jail screening tool validation, SCRAM compliance report – Carpenter
- Address issues with the Pretrial Supervision caseload (establish criteria, how to handle to population shift of increasing opiate users, determine if numbers of cases would justify a drug treatment court, etc.)

The meeting adjourned at 12:31 p.m.